

**UNITED STATES OF AMERICA,**

**Appellee,**

**vs.**

**DAVID FRANK CRISP,**

**Appellant.**

**THIS MATTER** is before the Court on the Appellant's Notice of Appeal [Doc. 2] and the Appellant's Motion to Stay Sentence. [Doc. 3].

On May 22, 2014, the Appellant David Frank Crisp was named in Count Seven and Count Eighteen of an eighteen-count Information filed by the United States Attorney in this District. Count Seven alleged Appellant and David Chadwick Crisp unlawfully placed processed food products in an area with an open season for taking black bears, in violation of 36 C.F.R. § 261.8(a) and 18 U.S.C. § 2. [Doc. 1 at 4]. Count Eighteen alleged Appellant and David Chadwick Crisp unlawfully dug and removed ginseng from the Great Smoky Mountains National Park, in violation of 36 C.F.R. §§ 2.1(a)(1)(ii), (c)(3)(i), and (c)(3)(iii); and, 18 U.S.C. § 2. [Id. at 4].

On October 9, 2014, the Honorable Dennis L. Howell, United States Magistrate Judge, found the Appellant guilty of the offense charged in Count Seven and not guilty of the offense charged in Count Eighteen. Based upon the conviction for the offense charged in Count Seven, the Magistrate Judge sentenced Appellant to a term of imprisonment of 90 days. [Doc. 1-1 at 2]. The Appellant, who was represented by counsel before the Magistrate Judge, timely filed both a Notice of Appeal [Doc. 2], and Motion to Stay Sentence. [Doc. 3].

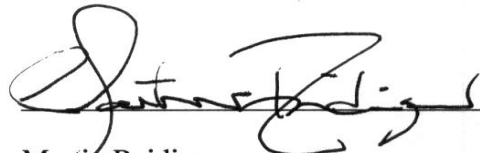
A timely notice of appeal having been filed, the Court therefore will enter a scheduling order for the briefs on appeal. The Court further will stay the Appellant's sentence of imprisonment pending the resolution of this appeal. See Fed. R. Crim. P. 38(b)(1); Fed. R. Crim. P. 58(g)(3).

**IT IS, THEREFORE, ORDERED** that the Appellant shall file his brief on appeal on or before thirty (30) days from the entry of this Order. The Appellee shall file its brief on or before thirty days (30) from the filing of the Appellant's brief.

**IT IS FURTHER ORDERED** that the Defendant's Motion to Stay Sentence [Doc. 3] is **GRANTED**, and the execution of the sentence of imprisonment is hereby stayed during the pendency of the appeal.

**IT IS SO ORDERED.**

Signed: October 23, 2014

  
Martin Reidinger  
United States District Judge

